

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Masaaki NISHIKIORI et al.

Serial No. 09/738,285

Confirmation No. 2128

Filed: December 18, 2000

Group Art Unit: 3691

Examiner: Olabode Akintola

For: INFORMATION MEDIATING APPARATUS AND METHOD AND STORAGE MEDIUM
STORING INFORMATION MEDIATING PROGRAM THEREIN

RENEWED REQUEST FOR REFUND
FOR DELAY IN RESPONDING TO MARCH 7, 2006 PETITION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The following is a request for refund in the amount of \$1810.00 for filing an unnecessary Request for Continued Examination (RCE) and extension of time fees due to a delay, by the United States Patent and Trademark Office (USPTO), in responding to the March 7, 2006 Petition.

A Decision mailed on May 12, 2008 regarding a Petition, filed on March 7, 2006, requesting withdrawal of the finality of the Office Action mailed December 7, 2005, was recently received by the undersigned. The Decision acknowledged delay in treating the Petition filed on March 7, 2006.

Particularly, the Petition filed on March 7, 2006 was in relation to an improper final Office Action mailed on December 7, 2005. Further, since there was no communication received from the USPTO by the fully-extended Notice of Appeal due date of June 7, 2006, the Applicants were forced, by the USPTO delay, to file a RCE (including filing fees of \$790.00, and extension of time fees of \$1020.00) on June 6, 2006 to keep the application pending.

Further, RCE filed on June 6, 2006 was not necessary because on June 9, 2006, Examiner Vincent Millin telephoned to inquire about receipt of an Interview Summary, which was never received and stated that the "finality" of the December 7, 2005 Action had been withdrawn,

and that he would forward a copy of the Interview Summary on Monday June 12, 2006, stating the same, which again was not received.


Thus, it is respectfully requested that the fees in the amount of \$1810.00 for filing the RCE and the Petition for extension of time on June 6, 2006 be refunded, since the Decision by the U.S. Patent and Trademark Office acknowledged a delay in treating the Petition filed on March 7, 2006.

Accordingly, it is respectfully requested that this charge be credited to Deposit Account No. 19-3935 and that the Patent Office acknowledge this credit in writing to the undersigned.

Respectfully submitted,

STAAS & HALSEY LLP

Date: May 20, 2008

By: 

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